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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------------------------------------------------------------|-------------|----------------------|---------------------|--------------------|
| 09/872,230 | 06/01/2001 | Calvin L. Fort | 2017.64648 | 2385 |
| 7590 | 12/15/2003 | | EXAMINER | |
| MARK HANLEY GROSSMAN AND FLIGHT 20 NORTH WACKER DR. SUITE 4220 CHICAGO, IL 60606 | | | | DONOVAN, LINCOLN D |
| | | ART UNIT | PAPER NUMBER | 2832 |

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

1a

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/872,230 | FORT ET AL. | |
| | Examiner | Art Unit | |
| | Lincoln Donovan | 2832 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 17,18,23 and 24 is/are withdrawn from consideration.
- 5) Claim(s) 21 and 22 is/are allowed.
- 6) Claim(s) 1-16,19,20 and 25-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

- 4) Interview Summary (PTO-413) Paper No(s) _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyden [US 4,455,4641] in view of Leyden et al. [US 5,421,667].

Leyden disclose a mounting assembly [figure 1] for attaching a security sensor [7] having a cable [2, 3] to a product [23] comprising: a shroud/pedestal [4] having a seat [figure 1] for receiving the sensor and holding it against the product and an internal passage way [figure 1] accommodating the cables.

Leyden disclose the instant claimed invention except for: a fastener extending through the shroud and into the product and fastening both the sensor and the shroud to the product.

Leyden et al. discloses a mounting assembly [44] for attaching a security device [figure 4] to a product [22] using a fastener [74] extending through the security device into the product [figure4].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the mounting fastening design of Leyden et al. in Leyden for the purpose of securing the device to the product.

Regarding claims 2-3, Leyden further discloses the mounting assembly including connectors [6, 16] fixed on the shroud within a shroud adapted to receive the cable and cable connectors.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the cable connection design of Leyden in Leyden et al. for the purpose of easily connecting the cables to the sensor.

Regarding claims 4-5, the use of a grommet over the passage and a braided jacket for the cable would have been obvious as a means to protect the wire from chaffing.

Claims 7-10 are Leyden in view of Leyden et al. as applied to claims 1-2 above, and further in view of Inoue et al. [US 5,570,080].

Leyden, as modified, disclose the instant claimed invention except for an access opening being provided on the internal cavity.

Inoue et al. discloses a security device (2) mounted to a product (201 having a cover (302).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a cover on the security device of Leyden, as modified, as suggested by Inoue et al., for the purpose of preventing unauthorized access. The specific means used to cover the security device would have been an obvious design consideration dependent upon the specific intended placement thereof.

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyden in view of Leyden et al., as applied to claims 1-2 above, and further in view of Keiger et al. [US 5,146,205].

Leyden as modified, disclose the instant claimed invention except for: the shroud including a pedestal for mounting within a base.

Keiger et al. discloses a security device for a product having a pedestal (171 extending therefrom for mounting within a base (15, figure 21.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the pedestal/base design of Keiger et al. with the mount of Leyden, as modified, for the purpose of facilitating movement of the product.

Allowable Subject Matter

Claims 21-22 are allowed.

Response to Arguments

Applicant's arguments filed 09-15-03 have been fully considered but they are not persuasive.

Applicant argues:

[1]: None of the references disclose or suggest the use of a fastener configured to extend through the shroud/pedestal into a product.

[2]: None of the references disclose or suggest a seat to support the sensor.

[3]: '667 does not disclose the shroud having a seat configured to receive a security sensor with a sensor cable and passage configured to carry the sensor cable.

Examiner disagrees:

Regarding [1]: Leyden et al. disclose a product with a security device connected thereto by means of a fastener [74] extending through a mounting device housing, or shroud, to secure the security device to the product.

Regarding [2]: Leyden discloses a seat securing the security device, figure 1. Applicant has not claimed, nor has examiner considered, any specific structure or configuration of the seat other than it being between the housing and shroud to support the sensor, as shown by Leyden.

Regarding [3]: Both Leyden and Leyden et al. disclose the shroud including a passage for the sensor cables, figures 4 and 5 respectively. Applicant has not claimed, nor has examiner considered, any specific passage structure.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

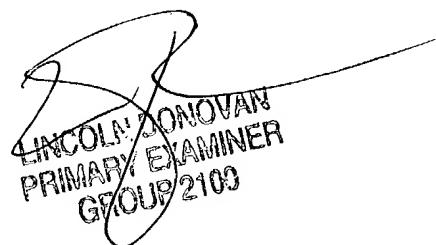
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is 703 308-3111. The examiner can normally be reached on M-F 8:30-5:00.

The fax phone number for the organization where this application or proceeding is assigned is 703-305-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1920.

lde
12/11/03



LINCOLN DONOVAN
PRIMARY EXAMINER
GROUP 2100

A handwritten signature of "L.D." is written over a printed name and title. The printed text reads "LINCOLN DONOVAN" on top, "PRIMARY EXAMINER" in the middle, and "GROUP 2100" at the bottom, all in a black serif font.